

App. No. 09/736,988  
Response Dated: August 13, 2004  
Reply to Office Action of May 20, 2004

### REMARKS/ARGUMENTS

The Office Action mailed May 20, 2004 has been received and the Examiner's comments carefully reviewed. The Office Action rejected Claims 1-14. For at least the following reasons, Applicants respectfully submit that the pending claims are in condition for allowance.

#### Objection to Specification

The Office Action objected to the title of the invention as not being descriptive. Applicants respectfully disagree. The title "METHOD FOR AUTOMATIC TUNING OF TCP RECEIVE WINDOW" follows the Claims. For example, Claim 1 recites "[a] computer-implemented method for automatically tuning a size of a TCP receive window, comprising: (a) determining a bandwidth of a network connection; and (b) automatically tuning the size of the TCP receive window based on the determined bandwidth." It is submitted that the title as currently drafted is very descriptive and is clearly indicative to which the claims are directed.

#### Claim Rejections under 102(e)

The Office Action rejected Claims 1-14 under 35 U.S.C. 102(e) as being anticipated by Toporek et al (hereinafter "Toporek") (U.S. Patent No. 6,654, 344). Applicants respectfully disagree and submit the following arguments.

The Office Action states that Toporek teaches "automatically tuning the size of the TCP window based on the determined bandwidth (figure 3G; column 5 lines 21-40; column 9 lines 41-48; column 17 lines 1-45 and column 18 lines 8-27 and 43-58). After carefully reviewing the sections of Toporek pointed out by the Office Action, the Applicants respectfully submit that Toporek does not discuss "automatically tuning the size of the TCP window based on the determined bandwidth." Toporek is directed at "a method for controlling the flow of information over an internet connection established across a satellite link" (column 3, lines 7-8). Toporek provides "a method for controlling the flow of TCP data over networks spanning large geographical regions using a wireless communication media, and the like" (column 3, lines 27-29). Toporek does discuss TCP window size generally in column 5 but does not teach

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“automatically tuning the size of the TCP receive window based on the determined bandwidth” as recited in Claim 1. As a matter of fact, Toporek teaches away from adjusting the TCP window size. At column 18, lines 25-28, Toporek states “[t]he present system allowed the client to take advantage of the available bandwidth regardless of the window size of the client or server.” (emphasis added). Toporek is clearly not “automatically tuning the size of the TCP receive window.”

The Office Action rejected Claim 3 by relying on column 18 lines 8-28 of Toporek. As discussed above, Toporek does not teach “determining the size of the TCP receive window based on the determined bandwidth; and setting the size of the TCP receive window to the determined size” as recited in Claim 3. At column 18, lines 8-28, Toporek is showing test data to compare the performance of conventional TCP as compared to Toporek’s invention. The graphs from Toporek show that the throughput for the satellite gateway was increased “regardless of the window size of the client or server.” It is clear from Toporek’s description and graphs that Toporek is not adjusting the TCP receive window to increase throughput. Toporek is merely showing that the throughput is increased without adjusting the TCP receive window.

The Office Action rejected Claim 4 by stating that Toporek teaches the step of “accessing the size of the TCP window from a look-up table (column 5 lines 21-40). Toporek, does not, however, teach accessing a look-up table. Column 5 lines 21-40 merely talks generally about how the TCP window size affects data throughput. There is no discussion of accessing a look-up table.

The Office Action rejected Claim 6 relying on the same sections of Toporek. It is clear, however, from the above discussion, that Toporek does not teach “automatically tuning the size of the TCP window.”

The Office Action rejected claims 7-10 for the reasons set forth for claims 1-4 and 6 “since claims 7-10 are merely a computer readable medium having instructions for controlling the method of operations defined in the claims 1-4 and 6.” A similar rejection was made to the apparatus claims. Applicants respectfully disagree. The computer readable medium claims are

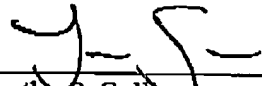
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different in scope as compared to the method claims as are the system claims. The Applicants, however, submit that the remarks above overcome any rejection made with regard to Toporek. Should the Examiner disagree, the Applicants respectfully request that these claims be addressed individually.

In view of the foregoing remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

MERCHANT & GOULD P.C.

  
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Timothy P. Sullivan  
Registration No. 47,981  
Direct Dial: 206.342.6254

MERCHANT & GOULD P.C.  
P. O. Box 2903  
Minneapolis, Minnesota 55402-0903  
206.342.6200

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